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SUBJECT: VIETNAMESE JOURNALISTS WHO EXPOSED CORRUPTION FOUND GUILTY
OF ABUSING "FREEDOMS"

Ref: A) HANOI 1166; B) HANOI 569; C) HCMC 1136; D) HANOI 672; E)
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¶1. (SBU) Summary: After a day and a half of testimony, the Hanoi People's Court on October 15 found two reporters who exposed a major corruption scandal guilty of "abusing democratic freedoms." The court sentenced Thanh Nien newspaper's Nguyen Viet Chien to two years in prison and sentenced Tuoi Tre newspaper's Nguyen Van Hai to a two-year non-custodial "re-education" sentence. Ministry of Public Security (MPS) Lieutenant Colonel Dinh Van Huynh, who served as a story source, was sentenced to one year in prison for "deliberately revealing state secrets" while police Major General Pham Xuan Quac received only a warning. The verdicts, entirely expected, were quickly condemned by Reporters Without Borders as a severe blow for press freedom in Vietnam. End Summary.

¶2. (SBU) Two years ago the two reporters helped expose how officials inside the Transport Ministry's PMU-18 unit stole millions of dollars worth of foreign development funds meant for bridges and roads and gambled on English football matches. On May 12, they were jailed and on October 15, after a day and a half of testimony, the Hanoi People's Court sentenced Thanh Nien reporter Nguyen Viet Chien to two years in prison for abusing "freedom and democratic rights harming state interest, legal rights and the interests of organizations and citizens" in connection to his stories on the PMU-18 scandal. The Court also sentenced Ministry of Public Security (MPS) Lieutenant Colonel Dinh Van Huynh, who was involved in the corruption scandal investigation and served as a source for the reporters, to one year in prison for "deliberately revealing state secrets." Chien's and Huynh's prison terms include time served behind bars since their arrests.

¶3. (U) European Union, Canadian and Australian diplomats and Poloff attended the trials. Police officials did not allow diplomats into the actual courtroom; they watched via video feed from an adjacent room. Police cordoned off the area around the courthouse and security in and around the area was heavy.

¶4. (U) Nine lawyers pleaded for the four defendants at the first hearing on October 14 and the Court summoned ten witnesses. At the beginning of the trials, the prosecutors spent over an hour reading the full indictment aloud. The indictment said the news reports were incorrect and biased and were an effort to hurt the reputations of government officials, Vietnam and its leadership before the 10th Party Congress in April, 2006.

¶5. (SBU) Thanh Nien's Chien gave a spirited defense of his reporting, maintaining that he verified information he received from a variety of sources with police investigators. He added that, as a professional journalist, he "only published what I was told by investigating authorities." He said Major General Pham Xuan Quac (also on trial) confirmed that he had a list of over 40 senior officials, some of whom sit on the Communist Party's powerful Central Committee, who were involved in the corruption scandal. Chien asserted that other journalists reported details of the

corruption scandal before he did. He pointed out that the corruption case attracted a lot of public attention and that newspapers were competing against one another in getting the story out. He asked why, if his stories contained inaccurate information, did not one Party official ask for a retraction. Chien pointed out that he served his country for five years in the Army, covered political and economic issues for over 25 years as a reporter and won several prizes for his journalism skills.

¶6. (SBU) Chien's attorney, a well-known lawyer in Vietnam, took issue with prosecution claims that Chien "violated the State's interests" and asked for prosecutors to define those interests. Chien's attorney also asked how exactly his client had taken advantage of democratic freedoms. Prosecutors chose to ignore these points, instead just re-reading parts of the long indictment.

¶7. (SBU) The Hanoi People's Court also sentenced Tuoi Tre's Nguyen Van Hai to a two-year non-custodial "re-education" sentence and allowed him to walk free. (Note: This "re-education" will entail Hai's employer and local officials teaching him how to live as "a better citizen." End Note). In reading the verdict, the presiding judge cited Hai's "cooperation and remorse." During his testimony, Hai admitted to some unintentional mistakes in his reporting. Hai contritely pointed out that he asked Tuoi Tre's vice editor-in-chief to devote a special issue of the newspaper to the mistakes made in reporting on the corruption scandal. In an odd sequence, Hai's lawyer launched into a defense of his client's innocence after Hai admitted to some "professional accidents" and was told by other lawyers to stop attacking the case against his client.

¶8. (SBU) The Court merely issued an official warning to MPS General Pham Xuan Quac, who oversaw the corruption investigation and who stood accused of leaking secrets to the media. He denied serving as the source for reports on the corruption scandal, but admitted to meeting journalists after the scandal broke. Quac said no

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evidentiary documents were produced and all the Court had heard was hearsay. He told the Court he asked Deputy Prime Minister Truong Vinh Trong if Quac's MPS unit should investigate media claims that "a large group of people" was involved in the corruption scandal. This was only a proposal and it did not mean he thought the information was correct or that he verified information for the reporters, he asserted.

¶9. (U) When the Court announced the sentences, Thanh Nien's Chien displayed little emotion. His relatives, however, were seen crying outside the courtroom. Tuoi Tre's Hai burst into tears and hugged his wife. The roughly 100 people standing across the street from the Court awaiting news peacefully dispersed after the verdicts were read.

¶10. (U) Following the announcement of the verdict, Reporters Without Borders issued a statement that Chien's sentence deals a "severe blow to press freedom" and said: "The outcome of this trial is a terrible step backwards for investigative journalism in Vietnam. The fragile basis of a press capable of playing its role of challenging established authority has been badly shaken." The organization added: "We urge the Vietnamese authorities to quickly grant Chien an early release and we call on the international community, especially the European Union, to condition aid to Vietnam more closely on respect for press freedom and the release of imprisoned journalists."

Comment: A Pre-Determined Result

¶11. (SBU) In keeping with standard practice in Vietnam, defense attorneys were not able to cross-examine witnesses and only learned about the prosecution's evidence at the trials. Four years ago, Hanoi changed the criminal procedural code to empower courts to decide guilt or innocence on their own but in practice the courts enjoy little independence. Particularly in this politically sensitive case, it is highly likely that Party higher-ups likely decided the four defendants' fate well in advance of the brief trial. End Comment.

¶12. (U) This cable was coordinated with ConGen Ho Chi Minh City.